

REMARKS

Amendment to claim 21 is to incorporate limitations from canceled claim 60.

Amendments to claims 1 and 39 are for the purpose of clarifying what Applicant regards as the invention. Amendments to claims 59 and 64 are to change claim dependencies and to bring these claims into conformity with the language of their respective base claims. No new matter has been added.

I. Claim rejections based on Besson and Keitaro

Claims 1-3, 6-13, and 39-56 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,950,493 (Besson) in view of JP 05-036368 (Keitaro).

Claims 1 and 39

Claim 1 recites a rotatable disk located within the cavity, the disk having a first target material and a second target material, wherein the *first target material corresponds with the first x-ray filtering material* of the radiation filter, and the *second target material corresponds with the second x-ray filtering material* of the radiation filter, *the second x-ray filtering material being different from the first x-ray filtering material* (Emphasis Added). Claim 39 recites that the first radiation filter is adapted to receive a first radiation generated using the first target material, and the second radiation filter is adapted to receive a second radiation generated using the second target material, the first and second radiation filters having different respective filtering materials.

Applicant agrees with the Examiner that Besson does not disclose or suggest two target materials that correspond with respective filtering portions (and therefore with respective filtering materials). According to the Office Action, the abstract of Keitaro discloses, “The x-ray having the desired ray quality can be obtained by providing a filter corresponding to each cathode and the material of the focus surfaces,” thereby allegedly making up the deficiency presents in Besson. However, the above passage of Keitaro merely discloses providing a filter that corresponds to the cathode and the material of the focus surfaces. There is nothing in Keitaro that discloses or suggests a first target material corresponds with a first radiation filter material, and a second target material corresponds with a *second radiation filter material that is*

different from the first radiation filter material. Since both Besson and Keitaro do not disclose or suggest the above limitations, they cannot be combined to form the subject matter of claims 1 and 39. For at least the foregoing reasons, claims 1 and 39, and their respective dependent claims, are believed allowable over Besson, Keitaro, and their combination.

II. Claim rejections based on Besson and Albert

Claims 21-25 and 27-34 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Besson in view of U.S. Patent No. 4,048,496 (Albert). Claim 21 has been amended to incorporate limitations from canceled claim 60, thereby rendering the claim rejection based on Besson and Albert moot. In particular, claim 21 has been amended to recite that the first *target material has at least an arc shape* or a partial circular shape. According to page 11 of the Office Action, Albert allegedly discloses the above limitation. However, Applicant respectfully notes that the target material (54) – i.e., the material itself, of Albert actually has a square shape, and not an arc or partial circular shape as described in the claim (see figure 1 of Albert). For at least the foregoing reason, claim 21 and its dependent claims are believed allowable over the cited references and their combination.

CONCLUSION

If the Examiner has any questions or comments, please contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number **VM 03-030-US**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number **VM 03-030-US**.

Respectfully submitted,

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